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POST-CONFIRMATION TRUST

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;)	CIVIL NO. CV03-00385 SOM-LEK
)	(Copyright)
Plaintiff,)	
)	SUPPLEMENTAL DECLARATION
vs.)	OF LEX R. SMITH REGARDING
)	PRODUCTION OF FILES BY
HAWAIIAN EXPRESS SERVICE,)	GUIDANCE SOFTWARE; EXHIBIT
INC., et al.,)	"C"
)	
Defendants.)	
_____)	

SUPPLEMENTAL DECLARATION OF LEX R. SMITH REGARDING
PRODUCTION OF
FILES BY GUIDANCE SOFTWARE

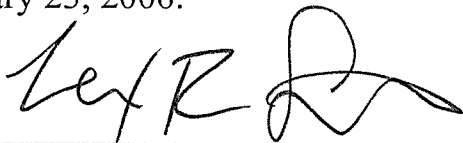
Lex R. Smith, under penalty of perjury, declares as follows:

1. I am an attorney licensed to practice law before all of the State and Federal Courts in the State of Hawaii and am one of the attorneys representing Defendant POST-CONFIRMATION TRUST for Fleming Companies, Inc. in this case.

2. Attached hereto as Exhibit "C" is a true and correct copy of the Discovery Master Clyde Matsui's Order dated October 5, 2005 referred to in my declaration filed earlier today.

I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information and belief.

DATED: Honolulu, Hawaii, January 23, 2006.



LEX R. SMITH